

## **REMARKS**

The Applicants note with appreciation the recent Examiner interview. In light of the helpful discussion with the Examiner, the Applicants submit herewith new Claims 16-20. Claims 16-18 are drawn to plasmid constructs having *dep* along with a disrupted *pur*, *ydhC* or *ydhB* gene. Claim 19 is drawn to a plasmid construct that is independent of *pur*, *ydhC* and *ydhB*. Support for Claims 16-19 can be found in Fig. 3 and pages 11-12 of Applicants' Specification. Claim 20 is drawn to a plasmid designated pSP007, which was deposited with the American Type Culture Collection (ATCC) and available to the public as of September 14, 2001. (convenience copy of ATCC deposit record enclosed). Support for Claim 20 can be found on page 9 of the Applicants' Specification. No new matter has been added.

The Applicants acknowledge the Examiner's withdrawal from consideration of Claim 15. Accordingly, the Applicants have canceled Claim 15, but reserve the right to file one or more divisional applications directed to the subject matter of Claim 15. Further, the Applicants have canceled Claims 7-15. The Applicants of course reserve the right to file one or more divisional applications directed to the subject matter of these claims.

### **Claim Rejections under 35 U.S.C. § 102(b)**

Claims 7-8 have been rejected under 35 U.S.C. §102(b) as anticipated by Blattner. The Applicants have canceled Claims 7-8 and, as a result, the rejection is now moot.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 10 and 12 have been rejected under 35 U.S.C. §103(a) as unpatentable over Blattner in view of Weickert. The Applicants have canceled Claims 10 and 12 and, as a result, the rejection is now moot.

In view of the foregoing, the Applicants respectfully submit that the amended claims are now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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